

Board of Chiropractic Examiners

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**BOARD OF CHIROPRACTIC EXAMINERS****PUBLIC SESSION MINUTES****Thursday, June 21, 2007****9:30 a.m.**

Life Chiropractic College West
25001 Industrial Blvd.
Hayward, California 94545
510.780.4500

BOARD MEMBERS PRESENT

Richard Tyler, D.C., Chair
Frederick Lerner, D.C., Vice-Chair
Francesco Columbu, D.C., Secretary
Jim Conran
Hugh Lubkin, D.C.
Judge James Duvaras, Ret.

STAFF PRESENT

Brian J. Stiger, Acting Executive Director
LaVonne Powell, DCA Senior Staff Counsel
Lavella Matthews, Senior Licensing Program Analyst
Marlene Valencia, Business Services Assistant

PETITION HEARINGS:

Melissa G. Crowell, Administrative Law Judge
Joshua A. Room, Deputy Attorney General

Call to Order

Dr. Tyler called the meeting to order at 9:31 a.m.

Roll Call

Dr. Columbu called the roll. All members were present with the exception of Judge Duvaras.

Dr. Tyler complemented the Board of Chiropractic Examiners and briefly described each Board member's background.

Approval of Palmer Chiropractic College-Florida application

Mr. Stiger reported that at the April 19, 2007 meeting, the Board voted to reconsider the March 1, 2007, approval of the Palmer Chiropractic College-Florida application. Since that time we have worked closely with the college and are satisfied that this facility meets all the necessary laws and rules that are set-forth in the regulations. It is staff's recommendation that the Board approve the application, dating back to December 2005.

Dr. Tyler asked for a motion to approve the Palmer Chiropractic College-Florida application.

DR. LUBKIN MOVED TO APPROVE THE PALMER CHIROPRACTIC COLLEGE-FLORIDA APPLICATION, AS DISCUSSED BY MR. STIGER. DR. LERNER SECONDED THE MOTION. VOTE: 5-0. MOTION CARRIED.

Mr. Conran stated that he would like the record to reflect that Mr. Stiger was not the Executive Officer at that March 1, 2007 Board meeting.

Judge Duvaras joined the meeting at 9:45a.m.

Chiropractic Colleges Renewal Requirements

Mr. Stiger reported that it was found that the Board does not have the authority to require colleges to apply for renewal. Mr. Stiger asked the Board members to approve the draft letter so that it may be immediately sent out to colleges.

Dr. Lerner questioned the effective date of the letter. Mr. Conran asked how the Board will evaluate and monitor the colleges. Dr. Lubkin requested that the letter be assigned to a committee for refinement. Mr. Stiger stated that the wording in the letter is referring to sections of the law.

Dr. Tyler asked for a motion to approve the letter to be sent to colleges regarding the application for continuous approval.

MR. CONRAN MOVED TO ISSUE THE LETTER WITH THE ADDENDUM THAT THIS IS A ONE-TIME LETTER AND COMMITTEE WILL LOOK INTO IT WITH A RECOMMENDATION IN SIX MONTHS. DR. LUBKIN SECONDED THE MOTION. DR. LERNER MADE AMENDMENT TO THE MOTION THAT THIS LETTER GO TO THE LICENSING COMMITTEE. MR. CONRAN ACCEPTED THE AMENDMENT TO THE MOTION.

Gerard Clum, President of Life Chiropractic College West, expressed his concerns regarding the reapproval of institutions.

FOLLOWING PUBLIC COMMENT AND BRIEF DISCUSSION, THE BOARD TOOK A VOTE ON THE MOTION MADE BY MR. CONRAN. VOTE: 6-0. MOTION CARRIED.

Petition Hearing for Reinstatement of Revoked License

Administrative Law Judge Melissa G. Crowell presided over and Deputy Attorney General Joshua A. Room appeared on behalf of the people of the State of California on the following petition hearings:

- Parviz Kavoossi
- Douglas A. Gainor
- Harold E. Turk

Petition for Early Termination of Probation

Administrative Law Judge Melissa G. Crowell presided over and Deputy Attorney General Joshua A. Room appeared on behalf of the people of the State of California on the following petition hearing:

- Kenneth P. Myers, D.C.

Following oral testimonies, the Board went into closed session to consider Mr. Kavoossi, Mr. Gainor and Mr. Turk's Petition for Reinstatement of Revoked License and Dr. Myers' Petition for Early Termination of Probation.

Dr. Tyler, D.C. called the Board into open session at 2:12 p.m. All Board members were present.

Approval of Minutes

- March 1, 2007, Open Session

Dr. Tyler asked for a motion to approve the March 1, 2007 open session minutes.

DR. LERNER MOVED TO ADOPT THE MARCH 1, 2007 OPEN SESSION MINUTES. DR. COLUMBU SECONDED THE MOTION. DISCUSSION WAS REQUESTED.

Mr. Stiger stated that Dr. Columbu submitted changes to reflect the names of the Administrative Law Judge and the Deputy Attorney General who were present at the meeting. Ms. Powell stated that the minutes would have to reflect that the Deputy Attorney General represents the people of the State of California. It was agreed that staff would make the changes to the March 1, 2007 minutes.

FOLLOWING A BRIEF DISCUSSION, THE BOARD TOOK A VOTE ON THE MOTION MADE BY DR. LERNER TO APPROVE MINUTES WITH THE CHANGES. VOTE: 5-0. MR. CONRAN ABSTAINED BECAUSE HE WAS NOT AT THE MEETING. MOTION CARRIED.

- April 19, 2007, Open Session

Mr. Stiger stated that Dr. Columbu submitted changes to reflect the names of the Administrative Law Judge and the Deputy Attorney General who were present at the meeting.

Dr. Tyler asked for a motion to approve the April 19, 2007 open session minutes with the noted changes.

MR. CONRAN MOVED TO ADOPT THE APRIL 19, 2007 OPEN SESSION MINUTES. DR. LERNER SECONDED THE MOTION. VOTE: 6-0. MOTION CARRIED.

Committee Reports

Administration

After discussion regarding concerns of the Board Member Procedure Manual, it was agreed that all suggestions and comments will be taken back to the Administration Committee for further discussion and possible action to update the manual.

Enforcement

Dr. Lubkin reported on two recent Enforcement Committee meetings. The May 24, 2007 meeting was held in Sacramento, CA. The topics of discussion were the purpose of the committee and overview of the enforcement process which includes complaint intakes, investigative and disciplinary process. The importance of educating and informing licensees on various requirements of the laws and regulations. There was also discussion on improving the mail ballot process.

During the Enforcement Committee meeting held earlier today, the discussion was on two major issues. One issue is Section 306.1 of the California Code of Regulations which involves the formation of Chiropractic Quality Review Panels. The public was invited to send suggestions to the Executive Officer. The other issue discussed the cost recovery procedures. This topic will continue in future Enforcement meetings.

Legislative

Mr. Conran reported that on June 15, 2007, the Legislative Committee met to review legislative bills AB 1137 and SB 801. During the meeting it was moved that the Board of Chiropractic Examiners should not take a position on either bill. It is the recommendation of the committee that the Board watch the bills. Dr. Tyler asked for a motion to accept the report.

DR. LUBKIN MOVED TO ACCEPT THE LEGISLATIVE COMMITTEE'S REPORT AND THAT THE BOARD OF CHIROPRACTIC EXAMINERS NOT TAKE A POSITION ON EITHER BILL, AT THIS TIME. MR. CONRAN SECONDED THE MOTION. VOTE: 6-0. MOTION CARRIED.

Manipulation Under Anesthesia (MUA)

Dr. Lerner stated that this committee has not yet met. The committee is hoping to meet in July. Dr. Lerner would also like to meet with Office of Administrative Law prior to the committee meeting.

The Board reconvened into closed session for the Executive Officer interviews.

Dr. Tyler called the Board into open session at 4:24 p.m. All Board members were present.

Mr. Conran stated that the Board would like to thank everyone who have applied for the Executive Officer position. A number of candidates were selected by the committee and interviews were held. On the basis of today's interviews, it has been decided that the Board will extend the selection process and continue to accept applications until August 1, 2007. The candidates who were interviewed today will still be in consideration for the position.

Announcements

Dr. Tyler announced the next Board meeting will be August 16, 2007 in San Diego.

Public Comment

Mr. David Prescott, an attorney, expressed his concerns regarding the Initiative Act and that the entire act has not been published or considered.

Future Agenda Items

Both Enforcement and MUA committees will meet in July.

Dr. Tyler adjourned the public meeting at 4:40 p.m.